

MINUTES OF SPECIAL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
OCTOBER 19, 2016

The Southeast Cass Water Resource District met on October 19, 2016, at 8:30 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Mark Brodshaug, Chairman; Dan Jacobson, Manager; Lance Yohe, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Kathy Grueneich, Administrative Assistant; Sean Fredricks, Attorney for the Board; and Kurt Lysne, Engineer for the Board.

Approval of agenda

It was moved by Manager Jacobson, seconded by Manager Yohe and unanimously carried to approve the order of the agenda, as amended.

Minutes

It was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to approve the minutes of the September 19, 2016, meeting.

2015 Drain #3 and Drain #10 Channel Improvements

Sean Fredricks reported the North Dakota Insurance Reserve appointed attorney, Howard Johnson, has supplied an Answer for the Summons and Complaint from Wanzek Construction, Inc. regarding the 2015 Drain #3 and Drain #10 Channel Improvements Project. He will provide updates as the process moves forward.

Drain #3 – slide and wingwall repair at old Highway 81

Kurt Lysne noted the Drain #3 slide and wingwall repair at old Highway 81 has been advertised with the bid opening scheduled for October 27, 2016.

Drain #10 culvert repair north of 19th Avenue North

Mr. Lysne reported Brady Woodard has been in contact with Burlington Northern Santa Fe Railway Company (BNSF) regarding Drain #10 culvert repair north of 19th Avenue North. Mr. Lysne said they are encouraging a cooperative solution to the matter. He believes BNSF will survey and do geotech work over the winter.

Drain #21 Improvement Project No. 2015-01

A motion was made by Manager Jacobson and seconded by Manager Yohe to approve *Change Order No. 5* for Riley Bros. Construction, Inc. in the amount of \$77,564 regarding Drain #21 Improvement Project No. 2015-01. Upon roll call vote, the motion carried unanimously.

A motion was made by Manager Yohe and seconded by Manager Jacobson to authorize the Chairman to sign the *Certificate of Substantial Completion* as of October 10, 2016, regarding Drain #21 Improvement Project No. 2015-01. Upon roll call vote, the motion carried unanimously.

Mr. Lysne noted the project budget looks good. Sean Fredricks asked about the *Claim* filed last month regarding Southeast Cass Water Resource District preserving its right to assess liquidated damages against Riley Bros. Construction, Inc. for its failure to meet the substantial completion date of September 2, 2016, and the final project date of September 16, 2016, regarding Drain #21 Improvement Project No. 2015-01. He reminded the Board of the 30 day window to finalize the *Claim*.

Mr. Lysne has also communicated with the City of West Fargo about the next phase of improvements in Drain #21 going south to I-94. The City of West Fargo gave a window of 10 years for that work.

Raymond-Mapleton Township Improvement District No. 76

A motion was made by Manager Yohe and seconded by Manager Jacobson to hire H & S Contracting, Inc. to complete work regarding Raymond-Mapleton Township Improvement District No. 76 in the amount of \$54,700. Upon roll call vote, the motion carried unanimously.

The Board next reviewed information from the Office of the State Engineer regarding *Application to Drain No. 4817*, previously submitted by the Southeast Cass Water Resource District regarding the Raymond-Mapleton Township Improvement District No. 76 Project.

The District recently conducted a successful assessment district vote under North Dakota law to finance and fund the Raymond-Mapleton Township Improvement District No. 76 Project. Prior to the assessment district vote, the District determined and declared the necessity to construct the Raymond-Mapleton Township Improvement District No. 76 Project, and defined the project as follows:

The purpose of the Raymond-Mapleton Township Improvement District No. 76 Project is to construct channel improvements to improve drainage along portions of the Cass County Highway 10 corridor. The west channel portion of the Project will drain from the west to east, towards the intersection of Cass County Highway 10 and 26th Street NW. The west channel will be on the south side of Cass County Highway 10, parallel to the north line of Section 2 in Mapleton Township. The east channel portion of the project will drain from the east to west, towards the intersection of Cass County Highway 10 and 26th Street NW. The east channel will be on the north side of Cass Highway 10, parallel to the south line of Section 36 of Raymond Township. Both the east and the west channels will drain into a channel running south, parallel to the west line of Section 1 of Mapleton Township; the outlet channel will then ultimately outlet into the existing Sheyenne Diversion Channel. The Project will ultimately include surveys;

culvert and channel analyses and design; installation of intercept drainage culverts with flap gates for adjacent field drainage; riprap for erosion control; channel and ditch improvements; relocation of utilities; and other items as necessary to construct, own, operate, and maintain the Project.

The District submitted a drainage permit application regarding the Raymond-Mapleton Township Improvement District No. 76 Project to the Office of the State Engineer, as required under North Dakota law. The State Engineer forwarded *Application to Drain No. 4817* to the Board, including the State Engineer's conclusion the project is not "of either statewide or interdistrict significance."

The Board reviewed and adopted Moore Engineering's proposed responses to the eight elements under 89-02-01-09.2 of the North Dakota Administrative Code. The Board further determined no hearing was necessary regarding *Application to Drain No. 4817* under 89-02-01-09.1(2) of the North Dakota Administrative Code because the Board is acquiring the requisite right of way to accommodate the project, and the right of way acquisition will eliminate adverse impacts to private landowners. The project will provide a uniform grade line to the West Fargo Diversion and will lower the water surface profile and improving flooding conditions in land adjacent to the project. Because the project will flow into the existing West Fargo Diversion, the impact to existing flooding problems downstream of the project watershed will be negligible. The project will include installation of riprap at the culverts to minimize erosion within the channel. With this in mind, the Board concluded the project will not result in adverse impacts.

A motion was made by Manager Jacobson and seconded by Manager Yohe to approve *Application for Surface Drain No. 4817* for the Southeast Cass Water Resource District Raymond-Mapleton Improvement District No. 76 Project, subject to any conditions attached by the State Engineer. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control Districts - Corps of Engineers inspection

Mr. Lysne reported the inspection of the Sheyenne-Maple Flood Control Projects by the Corps of Engineers has been completed. The encroachments have been addressed, the video inspection of culverts has been completed and sent to the Corps of Engineers for review, and the flap gates have been repaired and painted. The Board expects to receive a report back from the Corps of Engineers on action items.

Sheyenne-Maple Flood Control District #1 - Water Quality Mitigation Improvements

The Water Quality Mitigation Improvements Project was advertised again with a bid opening scheduled for November 1, 2016.

A motion was made by Manager Jacobson and seconded by Manager Yohe to approve the State Water Commission *Agreement for Cost-Share Reimbursement* for the Sheyenne-Maple Flood Control District #1 Water Quality Mitigation Improvements Project. Upon roll call vote, the motion carried unanimously. Mr. Lysne noted the project has received a verbal agreement to proceed from the Corps of Engineers.

Sheyenne-Maple Flood Control District #1 – letter from KLJ soliciting views and comments on City of West Fargo Improvement District No. 2244

Mr. Lysne next spoke about the letter from KLJ soliciting views and comments on City of West Fargo Improvement District No. 2244, consisting of Sheyenne Street Improvements between 13th Avenue East and 40th Avenue East and reconstruction of the I-94 interchange. A motion was made by Manager Yohe and seconded by Manager Jacobson to authorize the Secretary-Treasurer to submit comment, with input from the Water Resource District Engineer, to KLJ on City of West Fargo Improvement District No. 2244. Upon roll call vote, the motion carried unanimously.

Sheyenne-Maple Flood Control District #2 – lease agreement with Scott and Matt Beaton

It was moved by Manager Jacobson and seconded by Manager Yohe to approve the *Lease Agreement* for a 15.60 acre tract in the SW 1/4 of Section 31 in Barnes Township with Scott Beaton and Matt Beaton for 2016. Upon roll call vote, the motion carried unanimously.

Sheyenne River and Wild Rice River Snagging and Clearing Projects 2016-2017

It was moved by Manager Yohe and seconded by Manager Jacobson to adopt the *Engineer's Reports* for Sheyenne River Reaches I, II, and III and the Wild Rice River Snagging and Clearing Projects 2016-2017 and authorize the Secretary-Treasurer to request cost-share from the State Water Commission. Upon roll call vote, the motion carried unanimously.

Manager Jacobson asked about clearing trees from the Sheyenne River south of 17th Avenue South in West Fargo. Mr. Lysne will follow up with Mr. Woodard on the matter.

Items for review and comment, with input provided by the Water Resource District Engineer

It was moved by Manager Yohe and seconded by Manager Jacobson to direct the Secretary-Treasurer to submit comment on the following, with input from the Water Resource District Engineer:

- Letter from Interstate Engineering soliciting views and comments on City of Horace Water Improvement District 2016-3 located in Sections 17, 18, 19 and 20 of Stanley Township.
- Correspondence from Cass County Planning Office concerning Lone Oak Farm II Subdivision
- Correspondence from Fargo Department of Planning and Development regarding the November preliminary packet
- Correspondence from West Fargo Planning regarding the Oak Ridge 11th Addition and Eaglewood 6th Addition.

Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Jacobson and seconded by Manager Yohe to approve payment of Checks #12944 through #12963, and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Brodshaug, Jacobson and Yohe. The Chairman declared the motion passed.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Yohe, seconded by Manager Jacobson and unanimously carried to adjourn the meeting.

APPROVED:

Mark Brodshaug
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurers